



DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-843]

**Polyester Textured Yarn from Thailand: Final Affirmative Determination of Sales at Less Than Fair Value**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) determines that polyester textured yarn from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is October 1, 2019, through September 30, 2020.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Stephanie Berger, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2483.

**SUPPLEMENTARY INFORMATION:**

Background

On June 3, 2021, Commerce published its *Preliminary Determination*.<sup>1</sup> Commerce invited interested parties to comment on the *Preliminary Determination*.

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>2</sup> The Issues and Decision Memorandum is a public document and is available electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to

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<sup>1</sup> See *Polyester Textured Yarn from Thailand: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 29746 (June 3, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Polyester Textured Yarn from Thailand," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Scope Comments

On May 26, 2021, we issued the Preliminary Scope Decision Memorandum.<sup>3</sup> The scope case briefs were due on July 9, 2021.<sup>4</sup> We did not receive any scope case briefs from interested parties. Therefore, Commerce has not made any changes to the scope of this investigation since the *Preliminary Determination*.

### Scope of the Investigation

The product covered by this investigation is polyester textured yarn from Thailand. For a complete description of the scope of this investigation, *see* Appendix I.

### Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).<sup>5</sup>

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised in the Issues and Decision Memorandum is attached to this notice as Appendix II.

### Changes from the Preliminary Determination

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<sup>3</sup> See Memorandum, “Antidumping Duty Investigations of Polyester Textured Yarn from Indonesia, Malaysia, Thailand, and Vietnam: Preliminary Scope Decision Memorandum,” dated May 26, 2021 (Preliminary Scope Decision Memorandum).

<sup>4</sup> The scope case briefs were due “no later than 15 days after the responses to the scope supplemental questionnaires on intermingled textured yarn are filed.” *Id.* at 3. The last scope supplemental response was submitted on June 24, 2021. See Recron (Malaysia) Sdn. Bhd.’s Letter, “Scope Supplemental Questionnaire Response,” dated June 24, 2021. No information was provided in the responses to the scope supplemental questionnaires that was sufficient for us to revise our findings in the Preliminary Scope Decision Memorandum.

<sup>5</sup> See Commerce’s Letter, “Antidumping Duty (AD) In Lieu of Verification Questions,” dated July 6, 2021, and Sunflag’s Letter, “Polyester Textured Yarn from Thailand: Response to the In Lieu of Verification Questionnaire,” dated July 14, 2021.

Based on our analysis of the comments received, we made certain changes to the margin calculation for Sunflag Thailand Ltd. (Sunflag) since the *Preliminary Determination*. See the Issues and Decision Memorandum for a discussion of these changes.

#### Use of Adverse Facts Available

The mandatory respondent Jong Stit Co., Ltd. (Jong Stit) did not respond to Commerce's initial antidumping duty questionnaire in this investigation.<sup>6</sup> Therefore, in the *Preliminary Determination*, pursuant to sections 776(a) and 776(b) of the Act, we assigned to Jong Stit the highest Petition margin based on adverse facts available (AFA). No party filed comments concerning the *Preliminary Determination* with respect to Jong Stit, and there is no new information on the record that would cause us to revisit the *Preliminary Determination*. Accordingly, we continue to find that the application of AFA pursuant to sections 776(a) and (b) of the Act is warranted with respect to Jong Stit. Consistent with the *Preliminary Determination*, Commerce has assigned to Jong Stit the highest Petition margin, which is 56.80 percent. For further information, see the section "Application of Facts Available and Use of Adverse Inferences" in the *Preliminary Determination* PDM.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. In this investigation, Commerce has assigned a rate based entirely on facts available to Jong Stit. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Sunflag. Consequently, the rate calculated for Sunflag is also assigned as the rate for all other producers and exporters.

#### Final Determination

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<sup>6</sup> See *Preliminary Determination* PDM at 2.

Commerce determines that the following estimated weighted-average dumping margins exist:

<b>Exporter or Producer</b>	<b>Estimated Weighted-Average Dumping Margin (percent)</b>
Sunflag Thailand Ltd.	14.47
Jong Stit Co., Ltd.	56.80*
All Others	14.47

\*(AFA)

#### Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of polyester textured yarn from Thailand, as described in Appendix I of this notice, which were entered or withdrawn from warehouse for consumption on or after June 3, 2021, the date of publication of the *Preliminary Determination* of this investigation in the *Federal Register*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), upon the publication of this notice, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) the cash deposit rate for the respondents listed in the table above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others

estimated weighted-average dumping margin listed in the table above. These suspension of liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of our final affirmative determination of sales at LTFV. Because the final determination in this investigation is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from Thailand no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

#### Notification Regarding Administrative Protective Order

This notice serves as a reminder to the parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: October 18, 2021.

Ryan Majerus,

Deputy Assistant Secretary  
for Policy and Negotiations,  
Performing the Non-Exclusive Functions and Duties of The  
Assistant Secretary for Enforcement and Compliance.

## **Appendix I**

### **Scope of the Investigation**

The merchandise covered by this investigation, polyester textured yarn, is synthetic multifilament yarn that is manufactured from polyester (polyethylene terephthalate). Polyester textured yarn is produced through a texturing process, which imparts special properties to the filaments of the yarn, including stretch, bulk, strength, moisture absorption, insulation, and the appearance of a natural fiber. This scope includes all forms of polyester textured yarn, regardless of surface texture or appearance, yarn density and thickness (as measured in denier), number of filaments, number of plies, finish (luster), cross section, color, dye method, texturing method, or packaging method (such as spindles, tubes, or beams).

The merchandise subject to this investigation is properly classified under subheadings 5402.33.3000 and 5402.33.6000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

## **Appendix II**

### **List of Topics Discussed in the Issues and Decision Memorandum**

#### **I. Summary**

- II. Background
- III. Changes Since the Preliminary Determination
- IV. Scope of the Investigation
- V. Discussion of the Issues

- Comment 1: Whether the Facts Warrant Application of Adverse Facts Available
- Comment 2: Whether Sunflag Failed to Provide Complete and Accurate Chart of Accounts, Trial Balances, and Sales and Cost Reconciliation Worksheet Responses as Requested
- Comment 3: Whether Sunflag Reconciled U.S. Sales Data
- Comment 4: Whether Sunflag Failed to Report Containerization Expenses
- Comment 5: Whether There is Missing Cost Data
- Comment 6: Whether Sunflag Withheld the Reporting of Certain Items Pertaining to its Inventory Worksheet
- Comment 7: Whether Sunflag's Product Codes and Control Numbers Agree
- Comment 8: Whether Sunflag's U.S. Sales Information Failed to Verify
- Comment 9: Whether Sunflag's Home Market Sales Information Failed to Verify
- Comment 10: Whether Sunflag Failed to Report Freight Revenues
- Comment 11: Whether Sunflag Failed to Report Port Expenses and Customs Broker Expenses
- Comment 12: Whether Sunflag Fully Documented International Freight Expenses
- Comment 13: Whether Job Work Costs Are Misclassified
- Comment 14: Whether Use of a Quarterly Cost Methodology is Warranted
- Comment 15: Whether Commerce Should Allow a COVID-19 Partial Shut Down Adjustment
- Comment 16: Whether Commerce Should Correct the Error in the Calculation of Its Adjustment to Sunflag's COVID-19 Adjustment
- Comment 17: Appropriate Data Sets

## VI. Recommendation

[FR Doc. 2021-23124 Filed: 10/22/2021 8:45 am; Publication Date: 10/25/2021]